

UPDATE ON ROUTE 100 RECONSTRUCTION PROJECT

August 9, 2018

BACKGROUND

In 2014, the Town initiated a reconstruction effort of Route 100 as this road had been deteriorating for a long time and did not safely accommodate pedestrian and bicycle traffic. As this is a State-owned road its reconstruction is the responsibility of MaineDOT. A road improvement project planned by MaineDOT since 2005 did not happen. Unwilling to wait any longer, the Town developed a 2015 Vision Plan, which was followed by preliminary road engineering to establish project construction cost estimates. Subsequently, Falmouth voters approved financing for a \$10.5 million project in 2016. MaineDOT has agreed to provide financing of close to \$4 million.

The project is currently in final design and right-of-way acquisition process but has encountered significant delay causing the start of construction to be postponed. This has led to understandable frustration by residents who wonder *when* the project will finally start (since they voted on it more than two years ago), or *if* it will even happen.

This update is provided to share the best information the Town has available at this time and to offer assurance that this important project will indeed happen.

REASON FOR THE DELAY

The key reason for the project's delay has been the right-of-way process.

To explain this further, Route 100 has a 60 foot wide right-of-way (i.e. State-owned or Town-owned property) in which all of the construction has to take place. This is a very narrow right-of-way for a project of this scope with travel lanes, turning lanes at intersections, bicycle lanes, esplanades, and sidewalks. (By comparison, Route 1 has a 100 foot wide right-of-way). This issue is even more critical considering design challenges associated with the number of hills and varying terrain immediately next to the road. As a result, this project requires the acquisition of private property from 93 owners for either temporary construction easements or permanent property acquisition. A total of 103 individual right-of-way acquisitions are needed for the project.

The right-of-way process that MaineDOT is required to follow is very formal and takes a significant amount of time, regardless how much land needs to be acquired. In the case of this project, the amount of time that was needed to complete this task was significantly underestimated. MaineDOT staff has remarked that it has never worked on such a complex right-of-way project before.

COMPLEX PROJECT

Why did the right-of-way work for this project become so much more difficult than on other MaineDOT projects? There are several reasons including the following:

- The planned work is on Route 100, but also on Leighton, Mountain, and Falmouth Roads, and therefore requires two separate ROW acquisition processes: one for State property acquisitions along Route 100 (63 properties with impact) and one for Town property acquisitions along Leighton, Mountain, and Falmouth Roads (31 properties with impact).
- To complicate matters, properties at intersections require separate State and Town property acquisitions that cannot happen concurrently.

- The original idea was for the Right-of-Way process to be concurrent with final project design, but MaineDOT later determined that this was not feasible.
- Right-of-ways specialists hired by MaineDOT and the Town, such as appraisers, reviewers, and negotiators, are in very high demand, in very limited supply, or not available. The available professionals have had trouble accommodating the Route 100 project into their already busy schedules. This has been exacerbated because MaineDOT has been embarking on many road reconstruction projects throughout the State. Having other entities take over the right-of-way process was determined to not be possible.

TAKING RESPONSIBILITY

The various parties that have been working on this project – MaineDOT, Project Engineer Stantec, and the Town - all take responsibility for not properly communicating the project schedule on an ongoing basis to the public.

- MaineDOT agrees that it should have been more realistic and pro-active in communicating schedule expectations and delays to the Town and the Project Engineer.
- Project Engineer Stantec agrees that it should have done a better job in keeping up to speed with the delays at the State level and should have done more to bring the various parties together to assure the project stayed on track.
- Town staff agrees that it failed in updating the public in a timely and comprehensive manner on the schedule delays that were encountered.

ORIGINAL SCHEDULE

In December 2015 a construction bid date of late summer 2017 was anticipated. This was changed in December 2016 to February 2018. In August 2017, the bidding date was moved to late summer 2018. Only recently the Town was informed that due to the incomplete right-of-way process, the project bidding will have to be postponed until early spring 2019. This represents a delay of 20 months. The original right-of-way process estimate was 6 to 9 months. The standard that MaineDOT currently maintains is 15 to 20 months. With this complicated project, the right of way process exceeds 20 months.

CURRENT SCHEDULE

Until very recently, the Town's expectation was to go out to bid in October 2018. However, due to the delays in completing the right-of-way process the date to advertise for construction has been pushed to April 2019 (with construction to be completed by the end of 2020). However, April 2019 really means Fall 2019 to the Town as advertising in early spring is not good from a financial point of view (because most contractors will have their work already lined up for the year). Town staff believes that, if there are no other options, it would then be in the best interest of the Town to delay bidding until Fall 2019 so as to get the best bid pricing.

In an effort to explore all options, the Town has been in direct contact with MaineDOT Commissioner Bernhardt. Commissioner Bernhardt appreciates the Town's concerns regarding the project delay and has reassigned additional right-of-way staff to the Route 100 project. This has allowed the project to now be advertised on October 24, 2018 instead of in Fall 2019.

The detailed dates are as follows:

- Bid package complete and distributed to Town and State for review – September 19, 2018
- Bid package ready for advertising – October 17, 2018
- ROW Certification – October 23, 2018

- Advertise – October 24, 2018

INTERIM PAVING

The Town realizes the delay in the start of construction may present unacceptable hardships on travelers due to the continued deterioration of the road. Therefore, Town staff is considering requesting a supplemental appropriation from the Council for an interim thin coat of paving of the Route 100 section between Marston Street and Mountain Road/Falmouth Road. This paving is expected to cost approximately \$70K and may take place in September or October 2018. If this interim paving is pursued, the Town will seek to share its cost with MaineDOT.

SUMMARY

Going forward the Town will:

1. Do its utmost to allow the project to be advertised for bidding on October 24, 2018.
2. Consider doing interim paving of the Route 100 section between Marston Street and Mountain Road/Falmouth Road in September or October 2018.
3. Seek written project schedule updates from MaineDOT and Project Engineer on an every 2 week basis.
4. Communicate project updates to the Council and the public on a monthly basis.
5. Seek a construction budget estimate update from the Project Engineer to assure that the delays will not cause to exceed the authorized project budget.
6. Conduct a public meeting in late August (date TBD) to present this update to the public and answer any questions

CONCLUSION

The Town and MaineDOT remain committed to completing this project in the most timely and responsible manner in keeping with the expectations of Falmouth voters. All parties agree that the planned Route 100 work is long overdue and that Falmouth residents deserve an improved road as soon as possible.

The Town appreciates those Falmouth residents who, unhappy with the project delays, brought their concerns to the attention of the Council and Town staff. This has allowed all parties to recognize how project communication updates could have been handled better and commit themselves to an improved communication process moving forward. The Town thanks those residents for their input.